

1 Stephen R. Cochell
Admitted Pro Hac Vice
2 *srcochell@gmail.com*
5850 San Felipe, Ste. 500
3 Houston Texas 77057
Telephone: (713) 436-8000
4 Facsimile: (213) 623-2000

5 Allan Grant (SBN#213658)
Grant's Law Firm
6 17351 Greentree Drive
Riverside, California 92503-6762
7 Telephone (888)937-7555
Facsimile (866)858-6637
8

9 Attorneys for Defendant
JASON EDWARD THOMAS CARDIFF
10

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 vs.

17 JASON EDWARD THOMAS
18 CARDIFF,

19 Defendant.
20
21
22
23
24

Case No. 5:23-cr-00021-JGB

**JASON CARDIFF, BRIAN
KENNEDY AND LILIA MURPHY'S
EX PARTE MOTION FOR
EXTENSION OF TIME TO FILE
JASON CARDIFF'S REPLY BRIEF
IN SUPPORT OF MOTION TO SET
ASIDE JUDGMENT AND
SURETIES' LILIA MURPHY AND
BRIAN KENNEDY'S REPLY
BRIEF IN SUPPORT OF MOTION
TO SET ASIDE OR MODIFY
JUDGMENT**

25 Defendant Jason Cardiff and the Sureties, Brian Kennedy and Lilia Murphy
26 respectfully submits this Ex Parte Application for an Extension of Time to file:

- 27 1. Defendant Jason Cardiff's Reply Brief in Support of his Motion to Set Aside
28 Judgment, and

2. Sureties Lilia Murphy and Brian Kennedy's Reply Brief in Support of their Motion to Set Aside or Modify Judgment.

3. The Government attorneys are:

Valerie Makarewicz,
1100 United States Courthouse,
312 Spring Street
Los Angeles California 90012
(213)894-0756

Manu Sebastian
Department of Justice
450 Fifth Street, N.W., Ste 6400S
Washington, D.C. 20001
(202)514-0515

4. On March 19, 2025, Defendant Jason Cardiff filed a Motion to Set Aside Judgment. On March 20, 2025, Sureties Lilia Murphy and Brian Kennedy filed a Motion to Set Aside or Modify Judgment. Both motions are currently set for hearing on May 5, 2025, with reply briefs due on Monday, April 14, 2025.

5. Pursuant to Local Rule 7-19.1, on April 11, 2025, undersigned counsel contacted both Assistant United States Attorney's via email to request the government's position and to provide notice that this application would be filed. The foundation for the *ex parte* motion was distilled in the email. See **Exhibit A**, Declaration of Counsel. As of the time of this filing, government counsel has not responded to the request for concurrence. *Id.*

6. This request is made for good cause and in the interest of justice. Undersigned counsel is experiencing severe side effects following a recent biopsy for probable cancer, including fever, chills, fatigue, and dizziness, which have rendered him medically unable to work or prepare the necessary reply briefs. Counsel is currently prescribed antibiotics and remains under continuing medical care but has been advised to limit work activities. See **Exhibit A**, ¶2-3.

7. The Government filed an extensive brief in response to the two motions filed by

- Cardiff and the Sureties which requires review and analysis of their authorities.
8. Due to these health conditions, counsel is currently unable to meet the current reply deadline of April 14, 2025, and respectfully requests a fourteen (14) day extension, to and including Monday, April 28, 2025.
9. Under Federal Rule of Criminal Procedure 45(b)(1)(A), “[w]hen an act must or may be done within a specified period, the court on its own may extend the time, or for good cause may do so on a party's motion.” Rule 45 is interpreted consistently with Rule 6(b)(1) of the Federal Rules of Civil Procedure. *See United States v. Green*, 962 F.2d 938, 941 (9th Cir. 1992) (noting the court’s broad discretion to extend deadlines for good cause in criminal matters). “‘Good cause’ is a non-rigorous standard that has been construed broadly across procedural and statutory contexts.” *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010) (applying good cause standard under Fed. R. Civ. P. 6(b)(1)).
10. An extension of time will not result in undue delay, nor will it prejudice the government. Rather, it will promote fairness and due process by allowing for the submission of complete and well-reasoned reply briefs on matters of significant legal consequence.
11. For the foregoing reasons, and based on good cause, Defendant and Sureties respectfully request that the Court grant an extension of time, to and including April 28, 2025 to file their reply briefs and to reset the hearing on their motions to May 19, 2025.
12. This request is not made for purposes of delay, and the brief extension is necessary to protect the rights of the parties and the integrity of these proceedings.

REQUEST FOR CONCURRENCE

13. I contacted Manu Sebastian and Valerie Makarewicz by email this morning seeking their concurrence in this motion. Mr. Sebastian had an autoreply stating

1 he was out of the office. Ms. Makarewicz has not yet responded to the request.
2 WHEREFORE, Defendant Jason Cardiff and Sureties, Brian Kennedy and Lilia
3 Murphy request an extension of time, as set out above and in their proposed Order.
4

5 Dated: April 11, 2025
6

7 By: /s/ Stephen R. Cochell
8 Stephen R. Cochell

9 Attorney for Defendant
10 JASON EDWARD THOMAS CARDIFF
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST

I HEREBY DECLARE THAT THE FOLLOWING COUNSEL HAVE BEEN SERVED WITH THIS DEFENDANT JASON CARDIFF'S NOTICE OF MOTION AND MOTION TO SUPPRESS EVIDENCE THROUGH THE COURT'S ECF OR NEXT GEN ELECTRONIC FILING SYSTEM:

E. Martin Estrada United States Attorney Mack E. Jenkins
Assistant United States Attorney Chief, Criminal Division
Ranee A. Katzenstein
Assistant United States Attorney Chief, Criminal Division
Valerie Makarewicz
Assistant United States Attorney Major Frauds Section
1100 United States Courthouse
312 North Spring Street
Los Angeles, CA 90012
Telephone: (213) 894-0756 Facsimile: (213) 894-6269
E-mail: Valerie.Makarewicz@usdoj.gov

Amanda Liskamm
Director, Consumer Protection Branch Manu J. Sebastian
Brianna M. Gardner
Trial Attorneys
Consumer Protection Branch
U.S. Department of Justice
450 Fifth Street NW, Suite 6400 Washington, DC 20001
Telephone: (202) 514-0515 Facsimile: (202) 514-8742
E-mail: Manu.J.Sebastian@usdoj.gov
Brianna.M.Gardner@usdoj.gov

/S/ Stephen R. Cochell
Stephen R. Cochell